

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9th DAY OF MAY 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Gary D. Creed	-Chair
	Steve L. Spradlin	-Vice Chair
	Mary W. Biggs	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Karen Edmonds	-Human Resource Director
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PRESENTATION – FOSTER CARE MONTH – MAY 2005

Beth Deskins, Social Services, presented information on foster care services in Montgomery County. Ms. Deskins reported there are 44 children in the foster care system in Montgomery County with only 13 foster families. She thanked the Board for their support and for proclaiming May 2005 as Foster Care Month.

Supervisor Creed read the resolution adopted by the Board on April 25, 2005 recognizing May 2005 as Foster Care Month in Montgomery County.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Virginia Department of Transportation

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

Virginia Department of Transportation

David Clarke, Resident Engineer, updated the Board on several road concerns and speed studies. Mr. Clarke reported that VDOT has conducted the following speed studies:

1. Huff Lane (SR 833) – VDOT does recommend reducing and posting the speed on Huff Lane at 25 mph.
2. Millstone Ridge Road (SR 1060) – VDOT does recommend reducing and posting the speed on Millstone Ridge Road at 25 mph.
3. Sterling Drive (SR 722) – VDOT does not recommend any changes at this time.
4. Speed Study request for the business district in Riner on Rt. 8 has been submitted.

Mr. Clarke also reported on the request for a turn lane on Prices Fork Road at Thomas Lane. VDOT does own a 60 ft. right-of-way. Estimated cost is \$75,000 to \$100,000.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Gary D. Creed	

ADDENDUM

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the following addendum dated May 9, 2005 was added to the agenda under Closed Meeting:

Section 2.3-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

2. Old Blacksburg Middle School Property

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	
Doug Marrs	
Mary W. Biggs	
Gary D. Creed	

CONSENT AGENDA

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously, the Consent Agenda dated May 9, 2005 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	

R-FY-05-213
SCHEDULE PUBLIC HEARING
AMERICAN ELECTRIC POWER
RIGHT-OF WAY EASEMENT REQUEST AT
THE MEADOWBROOK LIBRARY FACILITIES

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby schedules a public hearing for Monday, June 13, 2005 at 7:15 p.m., or as soon thereafter, in the Board Chambers, 2nd Floor, Montgomery County Government Center, 755 Roanoke Road, Christiansburg, Virginia to receive citizen comments on the proposed American Electric Power right-of-way easement for an underground utility line to serve the Meadowbrook Library.

R-FY-05-214
A RESOLUTION SCHEDULING A PUBLIC HEARING
ON A PROPOSED ORDINANCE AMENDING CHAPTER 7
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA
BY ADDING SECTION 7-10

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby schedules a public hearing on Monday, June 27, 2005, at 7:15 p.m., or as soon thereafter, in the Board Chambers, 2nd Floor, Montgomery County Government Center, 755 Roanoke Road, Christiansburg, Virginia in order to hear citizens comments on the following proposed Ordinance:

An Ordinance Amending Chapter 7 of the Code of the County of Montgomery, Virginia Entitled Offenses – Miscellaneous by Adding Section 7-10 Requiring Viewing Areas of a Movie Arcade to Be Visible from a Continuous Main Aisle and Not Be Obscured by Any Curtain, Door, Wall or Other Enclosure.

A-FY-05-101
PARKS AND RECREATION

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

700	Parks and Recreation	\$4,448
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

27012-416158	Fund Raising	\$ 4,448
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Said resolution appropriates donations and fundraising monies for use by Parks and Recreation.

A-FY-05-102
COUNTY ATTORNEY
RECOVERED COSTS

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

120	County Attorney	\$19,661
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The source of the funds for the foregoing appropriation is as follows:

02120-41920	Bill in Equity Costs & Fees	\$19,661
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Said resolution appropriates recovered costs received from bill in equity costs and fees from the sale of property on delinquent real estate taxes.

A-FY-05-103
JUVENILE AND DOMESTIC RELATIONS COURT
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$800)

TO:

230 Juvenile and Domestic Relations Court \$800

Said resolution transfers appropriated funds from General Contingencies to Juvenile and Domestic Relations Court to provide funds for a robe for the new judge.

R-FY-05-215
ALLEGHANY SPRING ROAD (SR 637)
SPEED STUDY REQUEST

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Alleghany Spring Road (SR 637) from the curve by the Southfork of the Roanoke River (approximately 1.2 miles south of US 11/460 in Shawsville), to just past Alleghany Mobile Home Park (approximately two miles farther south), to determine the feasibility of reducing and posting the speed to 35 mph in order to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing and posting the speed limit at 35 miles per hour to improve the safety of this area.

R-FY-05-216
INDUSTRY APPRECIATION WEEK

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors recognizes the role of existing businesses and industries in the thriving economy of Montgomery County; and

WHEREAS, Existing businesses and industries provide essential employment opportunities for the citizens of Montgomery County; and

WHEREAS, Existing businesses and industries make significant contributions to promote educational opportunities and a variety of activities which increase the quality of life in the County; and

WHEREAS, Existing businesses and industries provide revenues from which the entire citizenry benefit.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recognizes the existing businesses and industries of Montgomery County.

FURTHER, BE IT RESOLVED, That the Board of Supervisors hereby declares the week of May 15-21, 2005 Industry Appreciation Week in Montgomery County.

R-FY-05-217
APPOINTMENT
NEW RIVER VALLEY
ALCOHOL SAFETY ACTION PROGRAM

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Joey Showalter** to the Alcohol Safety Action Program (New River Valley) effective June 1, 2005 and expiring May 31, 2006.

R-FY-05-218
APPOINTMENT
WORKFORCE INVESTMENT ACT
LOCAL WORKFORCE INVESTMENT BOARD
YOUTH COUNCIL

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Lori Walden** to the **Local Youth Council** for the **Local Workforce Investment Board** in Local Workforce Investment Area #2 effective July 1, 2005 and expiring June 30, 2008.

R-FY-05-219
APPOINTMENT
PEPPER'S FERRY REGIONAL
WASTEWATER TREATMENT AUTHORITY

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **B. Clayton Goodman, III** to serve as an alternate for Annette S. Perkins on the Pepper's Ferry Regional Wastewater Treatment Authority effective May 10, 2005 and expiring December 31, 2007.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

OLD BUSINESS

R-FY-05-220
COMPREHENSIVE PLAN AMENDMENT
CHILDRESS FARMS, INC. (AGENT: SIMON & ASSOCIATES, INC.)

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Montgomery County Comprehensive Plan Map is hereby amended as follows:

- Change the land use designation for Tax Parcel No. 105-A-15 (Acct ID #003378), approximately 15.15 acre portion of 65-acre tract from Resource Stewardship to Rural.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
Gary D. Creed	

R-FY-05-226
TABLE – CHILDRESS FARMS INC.
REQUEST TO REZONE
15.15 ACRE PORTION OF 65-ACRE TRACT
FROM AGRICULTURE (A-1) TO RURAL RESIDENTIAL (R-R)

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Childress Farms Inc's request for rezoning of a 15.15 acre portion of 65-acre tract of land from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) is hereby **TABLED** to the May 23, 2005 meeting in order for the applicant to submit proffered conditions.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
Gary D. Creed	

NEW BUSINESS

R-FY-05-221
ELLETT VALLEY LOOP TRAIL-REQUEST VDOT
TO PERMIT ACCESS TO RIGHT-OF-WAY FOR THE SMART ROAD

On a motion by John A. Muffo, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby requests a permit from the Virginia Department of Transportation to allow the Ellett Valley Loop Trail on the limited access right-of-way for the Smart Road.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

R-FY-05-222
FALLING BRANCH INDUSTRIAL PARK
ACCESS ROAD

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Commonwealth Transportation Board, on June 17, 1999 did approve the County's request to re-obligate up to \$ 450,000 in funds for the Falling Branch Industrial Park Access Road (project 1416-060-209M501); and

WHEREAS, The Transportation Board did extend the time period to recruit a qualified industry to July, 2004; and

WHEREAS, The County and the Virginia Department of Transportation (VDOT) did agree to expedite the construction of the roadway, with the County having to administer the construction project and advance funds for construction, with eligible expenditures to be reimbursed by VDOT; and

WHEREAS, Following completion and acceptance of the road, the County was reimbursed \$359,032; \$300,000 in unmatched, and \$ 59,032 in matched costs; and

WHEREAS, In 2000 the County successfully negotiated a commitment by EchoStar Satellite Corporation to locate in the Park, subject to certain incentives and infrastructure improvements to be made by the County, including completion of necessary road improvements allowing access to the EchoStar site; and

WHEREAS, In 2000 the Commonwealth Transportation Board did approve the County's request for an additional Access Road funding to complete a roadway to access EchoStar's site (9999-154-101M501); following construction the County was reimbursed \$ 310,000; and

WHEREAS, The availability of VDOT Access Road funds played a significant role in our ability to successfully recruit EchoStar; and

WHEREAS, The Investment by EchoStar (in excess of \$12 million) and the creation of more than 1000 jobs (annual payroll of \$20 million) does *significantly exceed* the minimum Investment required in VDOT 's Procedures as a source of Investment to satisfy not one but "both" of these related Access Road projects; and

WHEREAS, Both the *Spirit and Intent* of the Access Road Program's "mission" and objectives have been overwhelmingly met.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County respectfully requests the Commonwealth Transportation Board consider an exception to the Industrial Access Road Program procedures, allowing the Job Creation and Capital Investment made by EchoStar be the source to fully satisfy investment criteria for both Access Road Projects.

The vote on the foregoing resolution was as follows:

AYE

Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Mary W. Biggs
Gary D. Creed

NAY

None

R-FY-05-223
MENTAL HEALTH ASSOCIATION
REQUEST FOR MONTGOMERY COUNTY
TO SERVE AS AGENT FOR A FEDERAL GRANT

On motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

WHEREAS, Montgomery County has been asked to serve as the agent for a federal grant application in partnership with the Mental Health Association of the New River Valley (Mental Health Association); and

WHEREAS, Montgomery County would pass through the monies to the Mental Health Association for Post-booking, Pre-Trial diversion programs for mentally ill citizens within the New River Valley beyond the point of first police contact and into the post booking and arraignment phases; and

WHEREAS, The Mental Health Association currently operates a Crisis Intervention Program (CIT) in the New River Valley, a program that trains officers to evaluate mental health cases at the initial police contact and direct them toward services rather than placement in jail; and

WHEREAS, If funded the grant may provide up to \$400,000 each year for three years to expand services to this population within the New River Valley; and

WHEREAS, The Mental Health Association would have full responsibility for the management, reporting, services, compliance and audit of these federal grant monies and the County, as the applicant, would assign these responsibilities to the Mental Health Association, serving as a sub-recipient through a Memorandum of Understanding.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County Virginia, that Montgomery County agrees to serve as the applicant for this grant on behalf of the Mental Health Association who would administer all aspects of the grant.

FURTHER, BE IT RESOLVED, That Montgomery County, as applicant for these grant funds on behalf of the Mental Health Association of the New River Valley, makes no commitment now or in the future to continue with County funds any services created using the grant monies after the grant funds are terminated.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	

R-FY-05-224
RESOLUTION OF APPRECIATION
HUMAN SERVICES COMMISSION
RAYMOND D. DYER

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

WHEREAS, *Raymond D. Dyer* has faithfully served as a member of the Montgomery County Human Services Commission since June, 1999; and

WHEREAS, The County recognizes the excellent and dedicated service that ***Raymond D. Dyer*** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to ***Raymond D. Dyer***.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Raymond D. Dyer*** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Gary D. Creed	

R-FY-05-225
RESOLUTION OF APPRECIATION
BROOMIN' AND BLOOMIN' ANNUAL CLEANUP

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors supported and endorsed the 22nd Annual “*Broomin’ and Bloomin’*” clean-up day held on April 9, 2005 and April 16, 2005; and

WHEREAS, The Montgomery County Board of Supervisors understands that 40 private and public organizations and over 402 volunteers participated in this effort; and

WHEREAS, The Montgomery County Board of Supervisors is aware that approximately 90 miles of roadsides, three streams, three illegal dumps, two parks were cleaned; and

WHEREAS, The Montgomery County Board of Supervisors is aware that over 13,444 pounds of debris have been collected, including 56 tires.

NOW, THEREFORE, BE IT RESOLVED, The Montgomery County Board of Supervisors extends a unanimous vote of appreciation to the ***Montgomery County Improvement Council*** on the successful coordination of this effort.

FURTHER, BE IT RESOLVED, That all organizations and individuals contributing to this effort are hereby recognized and commended for their contribution toward the beautification efforts in Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
Gary D. Creed	

COUNTY ADMINISTRATOR'S REPORT

Health Reimbursement Arrangements The County Administrator reported that the rules and procedures for the Health Reimbursement Arrangements (HRA) Program, a new benefit for county employees, have been drafted and provided in the Board's packet for review. This program works exactly like the Flexible Benefits Program except that the employee cannot contribute to the fund, only the employer, and any remaining funds left at the end of the year can roll over from year to year.

Meadowbrook Library Furnishings The Library staff has advised that it would take approximately \$300,000 to properly furnish the Meadowbrook Library branch in Shawsville. The Library staff has investigated grant opportunities to help fund the furnishing of the library and found the County was eligible to file a Rural Development grant application in an amount not to exceed \$50,000. The County Administrator recommended that the County pursue this grant opportunity in order to try and locate grant funding for the purchase of necessary library branch furnishings.

The Board of Supervisors discussed this issue further. It was noted that the Board did not commit to any funding for furniture or fixtures for the Meadowbrook Library. They did agree that any grant funding to help offset the cost of furnishings would be helpful but any local match required by Rural Development would be from donations and not county funding. The County Administrator was instructed to forward a letter to the Montgomery-Floyd Regional Library Board indicating the Board of Supervisors position on not appropriating additional dollars for furniture and fixtures for the Meadowbrook Library.

Several Board Members requested information on how the furnishings for Blacksburg and Christiansburg library branches were funded. They also requested how much funding the library receives annually from the County for library collections and furnishings.

BOARD MEMBERS' REPORTS

Supervisor Muffo attended the grand opening on May 9, 2005 of the new public library at the Corporate Research Center (CRC). The library will be open daily from 11:00 a.m to 2:00 p.m. The library offers a complete collection of materials and offers internet access.

Supervisor Spradlin reported the last Prices Fork Community meeting for the development of Prices Fork Village was held. He believes community involvement in the development was successful and thanked the Planning Staff and Herd Consultants.

Supervisor Marrs attended the VACo Finance Steering Committee meeting held in Richmond on May 6, 2005. Another meeting has been scheduled for May 25, 2005 in order to hold a symposium on property tax issues. The purpose of the symposium is to develop a common base of knowledge about the real estate property tax, with the end goal of developing a policy position on property tax issues for the 2006 session of the General Assembly. This is in response to localities' concerns with the proposals of property tax limitation by the candidates seeking the Governor position.

Supervisor Marrs requested any concerns or comments from Board members on this issue to be forwarded to him and he will express their concerns at this meeting.

Resolutions of Commendation – Supervisor Marrs said he would like to honor Deputy Sutphin and Sergeant Wilburn of the Montgomery County Sheriff's Department with resolutions of commendation. Deputy Sutphin and Sergeant Wilburn both received the 2004 Valor Award from the Virginia Sheriff's Association and Deputy Sutphin was awarded the 2005 Commonwealth Public Safety Officer's Medal of Valor from the Governor. These officers were involved in the shooting incident on May 9, 2003, where a Christiansburg Police Officer was killed in the line of duty.

It was the consensus of the Board to add to the May 23, 2005 agenda resolutions commending Deputy Eric Sutphin and Sergeant Matthew Wilburn.

Supervisor Biggs attended VACo's Education Steering Committee meeting on May 6, 2005. The Education Steering Committee also expressed concerns with the proposals of real estate tax limitation.

School Board Meeting – Supervisor Biggs distributed copies of the teacher salary plan for Fiscal Year 2005-2006. This plan provides for a 4% increase for school employees.

Rezoning/Special Use Permit Issues – Supervisor Biggs expressed concern that issues relating to the rezoning request by Childress Farms, Inc. was not worked out before it came before the Board for consideration. She believes that any proffers/conditions for any rezoning or special use permit should be reached or finalized before it is presented to the Board of Supervisors for final action.

Supervisor Politis expressed concern with the School Board's decision to close the cannery in Riner. He asked staff to review the operation of the cannery, such as how many residents use the cannery, who uses the cannery, how much is charged for usage, what are the operational costs, etc. Supervisor Spradlin agrees that the County needs to keep the cannery open.

Spotsylvania County Cost Saving Measures - Supervisor Politis distributed copies of an article from Spotsylvania County where they are seeking cost saving measures by merging certain services/functions in the County. Montgomery County did a study several years ago on merging certain functions with the School Board, such as the garage. Supervisor Politis believes there are several services that can be merged and requested this issue be discussed at a future meeting.

Supervisor Perkins asked the status of a speed study request on South Jefferson Forest Lane in Preston Forest. The County Administrator reported that a letter was sent to Michael Harvey of the Preston Forest Homeowners Association explaining the procedures for requesting a speed study.

INTO CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.3-3711
- (5) Discussion Concerning a Prospective Business or Industry or The Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in The Community.
 - 1. Elliston/Lafayette Industrial Park
 - (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 - 1. Parks & Recreation Commission
 - 2. Planning Commission

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 - 1. School Property Expansion-Cambria Street
 - 2. Old Blacksburg Middle School Property

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 - 1. Regional Jail
 - 2. Courthouse Architectural Contract

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
Gary D. Creed	

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

EXTENSION OF MEETING

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously, the Board of Supervisors hereby extends the May 9, 2005 meeting for thirty (30) minutes.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Steve L. Spradlin	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	

INTO CLOSED MEETING

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.3-3711 (5) Discussion Concerning A Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating or Expanding its Facilities in the Community.

1. Elliston/Lafayette Industrial Park

- (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 1. Parks & Recreation Commission
 2. Planning Commission
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 1. School Property Expansion-Cambria Street
 2. Old Blacksburg Middle School Property
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
 1. Regional Jail
 2. Courthouse Architectural Contract

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
Gary D. Creed

NAY

None

OUT OF CLOSED MEETING

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES
John A. Muffo
James D. Politis
Annette S. Perkins
Steve L. Spradlin
Doug Marrs
Mary W. Biggs
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

OTHER BUSINESS

**R-FY-05-227
APPOINTMENT
PLANNING COMMISSION**

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the Montgomery County, Virginia hereby **appoints Robert K. Miller** to the **Montgomery County Planning Commission** effective June 1, 2005 and expiring May 31, 2009.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins

John A. Muffo

James D. Politis

Doug Marrs

Stee L. Spradlin

Mary W. Biggs

Gary D. Creed

NAY

None

**R-FY-05-228
APPOINTMENT
PLANNING COMMISSION**

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the Montgomery County, Virginia hereby **reappoints William Stephen Howard** to the **Montgomery County Planning Commission** effective June 1, 2005 and expiring May 31, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
John A. Muffo	
James D. Politis	
Doug Marrs	
Stee L. Spradlin	
Mary W. Biggs	
Gary D. Creed	

ADJOURNMENT

On a motion by John A. Muffo, seconded by Steve L. Spradlin and carried unanimously, the Board adjourned to Monday, May 23, 2005 at 5:30 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Doug Marrs	
Stee L. Spradlin	
Mary W. Biggs	
Annette S. Perkins	
Gary D. Creed	

The meeting adjourned at 11:40 p.m.

APPROVED: _____	ATTEST: _____
Gary D. Creed Chair	B. Clayton Goodman, III County Administrator